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EXAMINER

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/692,895

Filing Date: October 24, 2003

Appellant(s): KIM, HOE-WON

Paul J. Farrell
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/16/09, with supplemental pages filed on 4/23/09, appealing from the Office action mailed 3/27/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the supplemental appeal brief, filed on 4/23/09, is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,256,634 B1	MOSHAIOV ET AL.	7-2001
6,119,016	MATUSEVICH	9-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being anticipated by Moshaiov et al. (Moshaiov), U.S. Patent No. 6,256,634 B1, in view of Matusevich, U.S. Patent No. 6,119,016.

As to claim 1, Moshaiov discloses a network comprising a master, a plurality of slaves belonging to the master, and a shared channel connecting the master with the slaves (Col. 1, ln. 65 – Col. 2, ln. 6; Col. 4, ln. 23-52; Col. 6, ln. 29-33 and 41-43);

wherein the master periodically sends identifier information for first data that the network contains to at least one slave (Column 5, lines 29-31 and 41-42; Column 6, lines 29-47; the Primary Site Controller is the master and the Backup Site Controllers are the slaves; the Primary Site Controller periodically sends replication message packets to the Backup Site Controllers),

receives at least one request for data from at least one slave, finds the requested data, and sends the requested data to the corresponding slave (Column 16, lines 59-67; Column 17, lines 1-13) through the shared channel (Fig. 2; Col. 4, ln. 23-52);

wherein a slave detects identifier information for second data that the slave itself does not contain and which excludes identifier information for third data that the slave itself contains from the identifier information for first data received from the master, requests the master to send the second data, receives the data through the shared channel (Column 16, lines 59-67; Column 17, lines 1-13), determines whether the received data is contained in its second data (Abstract, ln. 16-23; Fig. 13; furthermore, if the slave requested the second data and then receives the data from the server, it may be interpreted that the received data is contained in its second data, as otherwise the replication of Moshaiov would not occur; furthermore, Moshaiov checks for failed replication, as described in the cited sections), updates identifier information for the received second data in addition to identifier information for the third data, and stores the received second data in addition to the third

data (Column 16, lines 59-67; Column 17, lines 1-13) when the received data is contained in the second data (Abstract, ln. 16-23; Fig. 13; furthermore, if the slave requested the second data and then receives the data from the server, it may be interpreted that the received data is contained in its second data, as otherwise the replication of Moshaiov would not occur; furthermore, Moshaiov checks for failed replication, as described in the cited sections), and requests the master to again send the second data when the received data is not contained in the second data (Abstract, ln. 16-23; Fig. 13; furthermore, if the slave requested the second data and then receives the data from the server, it may be interpreted that the received data is contained in its second data, as otherwise the replication of Moshaiov would not occur; furthermore, Moshaiov checks for failed replication and full synchronization occurs if the data has not been properly received by the slave, as described in the cited sections); and

whereby the data requested by the slave is received and stored by other slaves that need it simultaneously (Fig. 2; Col. 2, ln. 2-6; Col. 6, ln. 29-33; Column 16, lines 59-67; Column 17, lines 1-13; clearly, the Primary Site Controller is sending replication data to a plurality of Backup Site Controllers, which request it as described in cited sections of columns 16 and 17, and which are then received and stored; furthermore, if the plurality of slaves is requesting such data from the master, then clearly the data is for "slaves that need it simultaneously") so flexible data between the master and the slaves are shared in real time

(Column 6, lines 29-47; data is shared periodically, in real time, between the Primary Site Controller, the master, and the Backup Site Controllers, the slaves).

Moshaiov is silent on wirelessly sending and receiving data in the network.

However, Moshaiov discloses, “networking environments are commonplace in offices, enterprise-wide computer networks, intranets and the Internet... network connections shown are exemplary and other means of establishing a communications link between the computers may be used” (Col. 4, ln. 23-52). It is extremely well known in the art that a networking implementation may include wired connections, wireless connections, or a combination of both to enable network communications.

Additionally, Matusevich discloses wirelessly sending and receiving data in the network (Col. 1, ln. 14-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Moshaiov by wirelessly sending and receiving data in the network as taught by Matusevich in order to take advantage of the communications network of Moshaiov which may include wireless capability, for the purposes of communicating without the need for wired connections.

As to claims 2 and 4, Moshaiov and Matusevich disclose the invention substantially as in parent claims 1 and 3, including a master and a plurality of slaves (Moshaiov: Col. 1, ln. 65

– Col. 2, ln. 6; Col. 4, ln. 23-52; Col. 6, ln. 29-33 and 41-43), and the master is a base station, and each of the slaves is a mobile wireless terminal (Matusevich: Col. 1, ln. 14-18; Col. 2, ln. 39-40).

As to claim 3, Moshaiov discloses a method for enabling any one of a plurality of slaves to receive data from a master through a shared channel to share flexible data in real time on a network (Column 1, lines 65-67; Column 2, lines 1-6; Column 6, lines 29-47; data is shared periodically, in real time, between the Primary Site Controller, the master, and the Backup Site Controllers, the slaves), comprising:

receiving identifier information for first data, which the network contains from the master (Column 16, lines 59-67; Column 17, lines 1-13);

detecting identifier information for second data that the slave itself does not contain and excluding identifier information for third data that the slave itself contains from the identifier information for the first data received from the master (Column 16, lines 59-67; Column 17, lines 1-13);

when there is identifier information for the second data, receiving data from the master through the shared channel (Column 16, lines 59-67; Column 17, lines 1-13);

determining whether identifier information for the received data is contained in the identifier information for the second data (Abstract, ln. 16-23; Fig. 13; furthermore, if the

slave requested the second data and then receives the data from the server, it may be interpreted that the received data is contained in its second data, as otherwise the replication of Moshaiov would not occur; furthermore, Moshaiov checks for failed replication, as described in the cited sections);

when identifier information for the received data is contained in the identifier information for the second data, updating the identifier information for the received data in addition to the identifier information for the third data, and storing the received data in addition to the third data (Column 16, lines 59-67; Column 17, lines 1-13); and

when identifier information for the received data is not contained in the identifier information for the second data, sending the identifier information for the second data to the master, and requesting the master to send the second data (Column 6, lines 38-41; Column 16, lines 59-67; Column 17, lines 1-13).

Moshaiov is silent on wirelessly sending and receiving data in the network.

However, Moshaiov discloses, “networking environments are commonplace in offices, enterprise-wide computer networks, intranets and the Internet... network connections shown are exemplary and other means of establishing a communications link between the computers may be used” (Col. 4, ln. 23-52). It is extremely well known in the art that a networking implementation may include wired connections, wireless connections, or a combination of both to enable network communications.

Additionally, Matusevich discloses wirelessly sending and receiving data in the network (Col. 1, ln. 14-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Moshaiov by wirelessly sending and receiving data in the network as taught by Matusevich in order to take advantage of the communications network of Moshaiov which may include wireless capability, for the purposes of communicating without the need for wired connections.

As to claim 5, Moshaiov and Matusevich disclose the invention substantially as in parent claim 3, including when there is no identifier information for the second data, returning to the step of receiving the identifier information, after waiting for a predetermined time (Moshaiov: Column 6, lines 29-47; Column 16, lines 59-67; Column 17, lines 1-13).

(10) Response to Argument

- **Argument 1** (see page 5 of the appeal brief)

Appellant argues Moshaiov fails to describe a situation in which incorrect data is received after a request, that a determination is made if incorrect data has been received, and that another request is then made for the data.

- **Examiner's Response to Argument 1**

Moshaiov clearly shows a situation in which the slave server fails to receive the replication data (i.e., requested data) and in response makes a synchronization request (Abstract, ln. 16-23). Following the synchronization request, a "full synchronization" occurs between the master and slave servers (Abstract, ln. 16-23).

In other words, the slave server requests a specific set of replication data. The slave server then determines it has failed to receive the replication data. As opposed to requesting the specific set of replication data, the slave server initiates a full synchronization with the master server (i.e., all data is replicated between the master and slave servers, which inherently includes the data that has failed to be received).

The Appellant appears to imply that this does not meet the claim, because as opposed to the client solely requesting the data that has failed to be received, it requests the entirety of available data from the master server. While this is true, the claim nowhere states that only the data that has failed to be received is to be requested again. The claim simply requires that the data that has failed to be received is then requested again. This does not exclude the slave server requesting additional data along with this failed data (as is the case in Moshaiov, in which all available data is requested again following the failed replication).

The situation of Moshaiov does meet the claim limitation, because a set of data is requested, it is checked if it has been properly received within the received data, and upon determining it has not been, the request is made again (for a full synchronization) (Abstract, ln. 16-23).

- **Argument 2** (see page 5 of the appeal brief)

Appellant argues Moshaiov fail to disclose simultaneous reception and storage of data needed by one slave that was requested by another slave.

- **Examiner's Response to Argument 2**

The Examiner feels it worth noting again the cited sections relied upon to reject this limitation in the grounds of rejection above (Fig. 2; Col. 2, ln. 2-6; Col. 6, ln. 29-33; Column 16, lines 59-67; Column 17, lines 1-13; clearly, the Primary Site Controller is sending replication data to a plurality of Backup Site Controllers, which request it as described in cited sections of columns 16 and 17, and which are then received and stored; furthermore, if the plurality of slaves is requesting such data from the master, then clearly the data is for "slaves that need it simultaneously").

The Examiner notes that Moshaiov specifies that the replication may be between a master server and a plurality of slave servers (Col. 1, ln. 65 – Col. 2, ln. 6). If a change is made

to the master server, then all of the slave servers will be out of date until the replication is made. Therefore, all of the slave servers will need the replication data or, in the words of the claim, “need it simultaneously.”

The claim nowhere requires that the reception and storage of data is simultaneously occurring. In fact, the Examiner would question how it is enabled in the Appellant's embodiment that a single master could transmit data to a plurality of slaves and that all of the slaves could store the data in an instantaneous moment. Regardless, as stated, the claim only requires that the slaves “need it [the data] simultaneously” and that they receive and store the data (not required to be simultaneous by the claim language).

As stated above, the out of date slave servers will need the data simultaneously once the master has made a modification and then the slave servers will receive and store the data in order to ensure proper replication between the master and slave servers (Col. 6, ln. 29-33 and 41-43).

Claims 2-5 stand or fall with claim 1, as agreed to by the Appellant in the appeal brief.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Brian P. Whipple

/B. P. W./

Examiner, Art Unit 2452

6/16/09

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